

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CLIFFORD J. MCFETRIDGE

v.

WELLS FARGO BANK, ET AL.

*
*
*
*
*
*

Civil No. – JFM-16-309

MEMORANDUM

Plaintiff has brought this action seeking to cure an error in a lien encumbering his property. Defendants have filed motions to dismiss. The motions will be granted.¹

The property in question was foreclosed upon in the Circuit Court for Charles County in 2015. Plaintiff does not deny that defaults occurred under his mortgage but claims that only four acres of the subject property should have been foreclosed upon. He did not, however, assert this claim, either as a defense or a counterclaim in the foreclosure proceeding itself. Thus, plaintiff's claim is barred by the doctrine of res judicata. *See Anne Arundel Cty. Bd. of Educ. v. Norville*, 390 Md. 93, (2005).²


Plaintiff's claim is also barred by the statute of limitations. He knew as early as 2007 that the lien covered more than four acres. He alleges that Bank of America – which then held the mortgage – acknowledged the error and prepared and executed a release to two lots from the property covered by the lien. However, plaintiff took no further action to assert his rights until he filed exceptions to the foreclosure proceeding in Charles County. He filed these exceptions in 2015, long after the statute of limitations had expired.

¹ Because of a temporary imbalance in caseload, this case is being reassigned from Judge Bredar to me.

² This action may also be barred by the *Rooker-Feldman* doctrine.

A separate order dismissing this action is being entered herewith.

Date: 11/17/16



J. Frederick Motz
United States District Judge